

REMARKS

Entry of the foregoing amendment is respectfully requested. The amendment does not present any additional claims; and places the application in better form for an appeal should an appeal become necessary. Entry of the foregoing amendment, and further favorable reconsideration of the subject application in light of the following remarks, pursuant to and consistent with 37 C.F.R. § 1.116, are thus respectfully requested.

As correctly indicated in the Office Action Summary, claims 1-5 are pending in the application and are under consideration and stand rejected on new grounds.

Claim 1 has been amended to recite that the annular engagement part is formed to be bent down from the peripheral edge thereof, and is pressed against the inner side surface and bottom surface of the annular groove. Support for the amendment may be found in the specification, for example at page 5, lines 27-31 and page 7, lines 1-8.

No prohibited new matter has been introduced by way of the instant amendment. Applicants reserve the right to file a continuation or divisional application on the canceled subject matter.

Claim rejections under 35 U.S.C. § 102

Claims 1-5 stand newly rejected under 35 U.S.C. § 102 as allegedly anticipated by WO 03/009076, as purportedly evidenced by U.S. Patent No. 6,959,725. To the extent that the rejection might be applied to the claims as amended, the rejection is traversed.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference."

Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). The elements must be arranged as required by the claim. *In re Bond*, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990).

The cited art does not disclose every feature recited in the present claims. For example, the presently claimed valve has a feature wherein the diaphragm is provided at the peripheral edge thereof with the annular engagement part. This annular engagement part is formed to be bent down from the peripheral edge thereof and have an appropriate L-shape in cross section. The annular engagement part is fitted into the annular groove and pressed against the inner side surface and bottom surface of the annular groove in the tight state by the elastic member disposed between the bonnet and the annular engagement part.

Thus, when the valve is assembled, the elastic member applies vertical and lateral forces because it is surrounded by the bonnet and the inner side surface, the outer side surface and the bottom surface of the annular groove. Consequently, the outer side surface and the bottom surface of the annular engagement part of the diaphragm are pressed against the inner side surface and the bottom surface of the annular groove by the elastic member, respectively. Thereby, the arrangement provides a very high seal performance.

In particular, even if the fluid pressure or temperature fluctuates and this causes creep at the peripheral edge and annular engagement part of the diaphragm, a seal performance can be maintained over a long period. Further, even if the flat part and bonnet of the body become distorted to cause the vertical press force to decrease, the lateral press force is maintained and seal performance can be maintained over a long period.

WO 03/009076 fails to teach or even suggest all the features of the presently claimed invention. Consequently, the cited art cannot have anticipated the presently claimed invention. Withdrawal of the rejection is appropriate and is respectfully requested.

CONCLUSION

In view of the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order. Such action is earnestly solicited.

In the event that there are any questions relating to this application, it would be appreciated if the Examiner would telephone the undersigned concerning such questions so that prosecution of this application may be expedited.

The Director is hereby authorized to charge any appropriate fees that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800.

Respectfully submitted,

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